



# PUBLIC NOTICE

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DA 96-838

May 24, 1996

## **WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES COMMENCEMENT OF THE VOLUNTARY NEGOTIATION PERIOD FOR 2 GHZ MICROWAVE INCUMBENTS OPERATING IN THE BROADBAND PCS "C" BLOCK**

In the *Emerging Technologies* docket (ET Docket No. 92-9), the Commission established a three-stage process for relocation of microwave incumbents currently operating on 2 GHz frequencies allocated to Broadband PCS. The first phase is a two-year voluntary negotiation period (three years for public safety incumbents) during which PCS licensees may negotiate with microwave incumbents regarding relocation. The second phase is a one-year mandatory negotiation period (two years for public safety incumbents) during which the parties are obligated to negotiate in good faith. The mandatory negotiation period is triggered at the option of the PCS licensee, but PCS licensees may not invoke their right to mandatory negotiation until the voluntary negotiation period has expired. Following the expiration of the mandatory period, incumbents who have not entered into negotiated agreements are subject to involuntary relocation under the Commission's rules.

The Commission's rules provide that the voluntary negotiations period for 2 GHz incumbents commence with the acceptance of applications for the emerging technology service. See e.g., 47 C.F.R. § 94.59(b). By this Public Notice, the Wireless Telecommunications Bureau announces that the two-year voluntary negotiation period for 2 GHz microwave incumbents operating in the broadband PCS "C" block shall be deemed to have commenced on May 22, 1996, the date that the C block auction winners filed their long form applications. Accordingly, under current rules, the voluntary negotiation period for non-public safety microwave licensees in these blocks expires on May 22, 1998. For public safety microwave licensees operating in C block, the three-year voluntary negotiation period began on May 22, 1996 and expires May 22, 1999. The duration of these periods is potentially subject to change, however, based on the *Further Notice of Proposed Rule Making* recently adopted by

the Commission in WT Docket No. 95-157.<sup>1</sup> In the *Further Notice*, the Commission sought comment, *inter alia*, on whether to shorten the voluntary negotiation period for C block from two years to one year (three years to two years for public safety incumbents) and lengthen the mandatory period from one year to two years (two years to three years for public safety incumbents). Comments in response to the *Further Notice* are due May 28, 1996 and reply comments are due June 7, 1996.<sup>2</sup>

For further information contact Michael Hamra at (202) 418-0620.

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<sup>1</sup> Amendment to the Commission's Rules Regarding a Plan for sharing the Costs of Microwave Relocation, WT Docket No. 95-157, First Report and Order and Further Notice of Proposed Rule Making. \_\_FCC Rcd\_\_ (released April 20, 1996).

<sup>2</sup> *Id.*

Before the  
Federal Communications Commission  
Washington, D.C. 20554

**PUBLIC NOTICE**

**Released: November 15, 1996**

**FEE DECISIONS OF THE MANAGING  
DIRECTOR AVAILABLE TO THE PUBLIC**

The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. On a monthly basis, a public notice of these fee decisions is published in the FCC record.

The decisions are placed in general docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists.

The following Managing Director fee decisions are released for public information:

**Ackerley Communications Group, Inc./KVOS TV, Inc.** - Request for reduction of FY 1995 regulatory fees for VHF Television Station KVOS at Bellingham, Washington - **Granted** (August 9, 1996).

**Alascom, Inc. and Telephone Utilities of Alaska, Inc.** - Request for refunds of the fees submitted with the applications filed by Alascom, Inc and Telephone Utilities of Alaska, Inc. - **Denied** (September 12, 1996). [See Alaska Joint Board Tentative Recommendation and Order in Docket No. CC 83-1376, 8 FCC Rcd 3684, 3686. See Alaska Joint Board Final Recommended Decision in Docket No. 83-1376, FCC 93J-2 (released October 29, 1993). See also, Memorandum Opinion and Order in Docket No. 83-1376, 9 FCC Rcd 3023 (1994).]

**Alaska Telephone Company** - Request for refund of the fee submitted with the petition for waiver of the definition of a study area, related to the construction of telephone facilities to serve Healy Lake, Alaska - **Granted** (October 25, 1996). [See National Exchange Carriers Association, DA 96-1129 (dated July 17, 1996). See also, National Exchange Carriers Association, released July 16, 1996.]

**Bates County Broadcasting Company** - Request for waiver of FY 1995 regulatory fees for Radio Stations KMAM(AM) and KMOE-FM at Butler, Missouri - **Denied** (September 10, 1996). [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).]

**Bayside Broadcasting Corporation** - Request for refund of a hearing fee for a new FM station at Allouez, Wisconsin - **Granted** (July 2, 1996). [See 47 C.F.R. §1.1113(b)(2).]

**Beaverhead Madison Broadcasting, Inc.** - Request for waiver of Fiscal Year 1995 regulatory fees for an AM Radio Station KDBM at Dillon, Montana - **Denied** (June 26, 1996). [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).]

**Brighton Broadcasting, L.P.** - Request for refund of hearing fees for a new FM Station at Brighton, New York - **Granted** (September 13, 1996). [See 47 C.F.R. §1.1113(b)(1).]

**Charter Communications IV, L.P.** - Request for partial refund of FY 1995 cable regulatory fees - **Granted** (August 19, 1996).

**Chesterman Communications Sioux City, Inc.** - Request for refund of a hearing fee for a new FM Station at South Sioux City, Nebraska - **Granted** (August 23, 1996). [See 47 C.F.R. §1.1113(b)(1).]

**Corinthians XIII Broadcasting Company, Inc.** - Request for waiver of FY 1994 regulatory fees for Radio Station KROR(FM) at Yucca Valley, California - **Granted** (September 12, 1996). [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted in part, FCC 95-257, released July 22, 1995.]

**Cybertel Minneapolis Paging Corp** - Request for reinstatement of an application for 454.225 MHz at Hastings, Minnesota - **Granted** (August 21, 1996).

**Cyprus Bagdad Copper Corporation** - Request for deferment and waiver of FY 1995 regulatory fees for FM translator radio stations K262AA, K242AC and K247AC - **Granted** - (September 10, 1996). [See Implementation of Section 9 of the Communications Act, FCC 95-257 ¶ 16, released June 22, 1995.]

**Desoto Broadcasting, Inc.** - Request for reduction of FY 1996 regulatory fees for UHF Television Station WBSV-TV at Venice, Florida - **Denied** (September 18, 1996). [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).]

**Dewey, Barney L.** - Request for refund of a hearing fee for a new FM station at Gridley, California - **Granted** (October 21, 1996). [See 47 C.F.R. §1.1113(b)(2).]

**Dittman, Curtis L. and Karen S.** - Request for refund of a hearing fee for a new FM station at Sutherlin, Oregon - **Granted** (August 21, 1996). [See 47 C.F.R. §1.1113(b)(2).]

**East Coast Communications** - Request for refund a hearing fee for a new FM Broadcast station at Harkers Island, North Carolina - **Granted** (October 21, 1996). [See 47 C.F.R. §1.1113(b)(2).]